

HARDEE COUNTY  
ECONOMIC DEVELOPMENT AUTHORITY (EDA)  
- (INDEPENDENT BOARD)  
COUNTY COMMISSION CHAMBERS  
412 WEST ORANGE STREET, ROOM 102  
WAUCHULA, FLORIDA 33873  
FEBRUARY 21, 2012 8:30 A.M.

MINUTES

**Members:**

David Royal, Vice-Chairman, P  
Perry Knight, P  
Kenny Miller, Excused  
Casey Dickson, Excused

Bill Beattie, A  
Sue Birge, P  
Bill Lambert, Chairman, P  
Roger Hood, P

County Attorney Ken Evers, P  
Office Manager Sandy Meeks, P

County Manager Lexton H. Albritton, Jr., P

Chairman Lambert called the meeting to order at 8:35 a.m. and recommended they swap item II & I. **MOTION by Birge, second by Royal** to approve the alteration. **Motion carried unanimously.**

**MOTION by Royal, second by Knight** to approve the agenda as amended. **Motion carried unanimously.**

**MOTION by Royal, second by Hood** to approve the November 29, 2011, regular meeting minutes. **Motion carried unanimously.**

- I. Election of new officers. (Welcome new member Casey Dickson-replacing Derren Bryan).

Chairman Lambert advised everyone that Kenny Miller had a death in his family and would not be able to attend and Casey Dickson had a Chamber of Commerce meeting and would come to meeting as soon as that one was over. He further explained he had spoken to the Department of Economic Opportunity and Enterprise Florida regarding replacement of (Bridget Merrill) position on the Board and felt it should be resolved soon. He then turned the meeting over to County Attorney Evers.

County Attorney Evers opened the floor for nominations for Chair and Vice-Chairman. Chairman Lambert advised the Board he had decided he would not be chairing the Board anymore and explained how he had enjoyed being the Chair and also explained how the Chairman of the Board had a lot of responsibilities. **MOTION by Birge, second by Hood** to nominate David Royal as Chairman. **MOTION by Hood** to nominate Sue Birge as Vice-Chairman. County Attorney Evers asked if Birge would withdraw her motion and asked Hood if he would combine both those motions into one. Birge withdrew her motion.

**MOTION by Hood, second by Lambert** to nominate David Royal as Chairman and Sue Birge as Vice Chairman. **Motion carried unanimously. MOTION by Lambert, second by Knight** that nominations cease. **Motion carried unanimously.**

Chairman Royal explained he wanted Lambert to finish the meeting today since he was advised on everything.

II. Michael Carter, Partner and Trisha M. Floyd, Audit Senior, Clifton Larson Allen – Present Financial Statements for period ending 09/30/11.

Lambert introduced and welcomed Mike Carter and Trisha M. Floyd from Clifton Larson Allen. Mr. Carter touched on the Auditor's Opinion and explained it was an unqualified opinion. Lambert asked for clarification on what exactly the term unqualified opinion meant. Mr. Carter explained that meant there were no exceptions and there were no qualifications and all numbers were fairly stated. Trisha Floyd then spoke about the Financial Statements and gave a breakdown on some of the numbers. Mike Carter then spoke on the Internal Controls and explained how they were recommending the Board approve their budget through a resolution so there would not be any issues in the future. He explained how the County Attorney could draft a resolution for the Board to approve reaffirming and ratifying all the actions of the Board that had occurred up to the present date. Lambert asked what would be the timeframe to take care of the issue. County Attorney Evers explained they should advertise for the resolution to be approved at their next meeting. Mr. Carter explained to the Board that their budget was legal, but felt that without it being approved through a resolution it could be challenged. Hood asked for some clarification on the resolution and the actual approval of the budget. County Attorney Evers explained the statute required for the budget to be approved by resolution, but there budget was still legal. **MOTION by Knight, second by Lambert** to direct the County Attorney draft a resolution to be considered at their next meeting to satisfy the opinion of the auditor. **Motion carried unanimously.** Mr. Carter concluded that the report was a clean report. Lambert asked about the payment that was due to the Industrial Development Authority (IDA) that was shown in the audit as a payable to the IDA. He further explained how if that was not resolved it could be pending litigation. He then asked if it could be owed indefinitely. Mr. Carter stated hopefully it would get resolved. Lambert then asked the County Attorney if he had any remedies. County Attorney explained he felt the IDA had done everything the Clerk wanted done. He then touched on some legal ways they could request the Clerk perform his official duties. They then discussed the County Attorney sending a letter to the Clerk regarding the issue and then call a special meeting if needed. Lambert then touched on requirements of the dependent and independent special districts.

After further discussion, **MOTION by Lambert, second by Knight** to direct the County Attorney draft a letter to the Clerk requesting an explanation on when he will release payment to the IDA and request it be supplied within two or three days or an indication of further issues. **Motion carried unanimously.**

Lambert then advised when his agreement was approved for the spec building he had proffered four different sites and wanted to designate the site formally as acquisition and retrofitting of the PRECO Building.

Donald Samuels, Citizen asked if the IDA sued the EDA who would represent the EDA. County Attorney Evers advised it would be one of those boards verses the Clerk if it came to that.

Lambert then asked Mr. Carter if they had anything else to present. Mr. Carter advised they did not, but would need a motion to accept financials. **MOTION by Hood, second by Birge** to approve the draft financials with correction of spelling error and the Annual Financial Report. **Motion carried unanimously.**

- III. Discuss retainage for government projects and removing retainage on existing agreements.

Lambert explained they had discussed moving the retainage for government projects at their last meeting and asked Vickie Rogers, Accounting Manager, Hardee County Clerk of Courts and Mr. Carter if that would cause any problems. They advised it would not. Lambert then asked County Manager Albritton how the retainage for government entities was created. County Manager Albritton explained there was no specific guidance in the statute and they were just following the same guidelines as with private sector. **MOTION by Knight, second by Hood** to remove retainage provisions as it relates to government entities. **Motion carried unanimously.**

- IV. Discuss revising agreements for projects that need to be reimbursed more frequently than quarterly.

Lambert then asked Vickie Rogers, Hardee County Clerk's Office if there would be a financial impact if they started reimbursing projects more frequently than quarterly. She explained it was the EDA's rule and it should not be a problem unless they started requesting checks every day. County Manager Albritton explained this had been approved at a previous meeting. He then asked if he was asking for the existing contracts to be amended because the way it was approved at the last meeting was that being reimbursed more frequently than quarterly would be in the agreement. Lambert advised the agenda item stated revise

agreements. County Attorney Evers spoke on how every agreement was different and how all of the open projects that they had would require an amendment to their agreement. Chairman Royal asked if they had someone request this already. County Manager Albritton advised no. Chairman Royal stated he felt they should just do it contract by contract and when it was requested direct the County Attorney and Manager to prepare an amendment for their approval at their next meeting. Birge advised they did not meet every month, so that may be a problem. County Attorney Evers explained they could use their judgment on how urgent the issue was and call a special meeting if necessary. Lambert asked why they didn't just amend their rules to give the Chairman, County Attorney, and Manager the authority to waive the 90 day requirement. County Attorney Evers advised that would be more work than what they were suggesting. Hood then stated in a motion directing Chairman, County Attorney, and Manager the option to approve on a case by case basis the ability to disburse funds more than quarterly and if there was an issue they would call a special meeting. County Attorney Evers advised that was not what he meant. He further explained on the EDA's existing contracts if they were to receive a request from one of the grant recipients they would take initiative and prepare an amendment in accordance with their request to be presented to the Board at their next meeting and if it was an emergency they would call a special meeting. Lambert asked if they should make it a sixty day reimbursement for everything. County Attorney Evers explained he liked the rule the way it was drafted because every case may be different and felt the Board should discuss that with every applicant when their agreement was being drafted. Lambert then stated they should withdraw all motions and leave it the way it was. County Attorney Evers explained yes, but with a consensus that the County Attorney and County Manager would act on any requests made by grant recipients and bring necessary amendments before the Board. They then discussed if it should be a motion or direction. **MOTION by Hood, second by Lambert to acknowledge staff preparing a recommendation. Motion carried unanimously.**

- V. Acknowledge receipt of project status reports.

Lambert advised the discussion on the IDA spec building regarding the PRECO building (above under Item II.) should be here and for the minutes to reflect the Board was acknowledging receipt of the project status reports.

- VI. Acknowledge receipt of Clerk's Financial Reports for periods ending 09/30/11, 10/31/11, 11/30/11, 12/31/11, and 01/31/12.

Lambert advised for the minutes to reflect the Board acknowledged receipt.

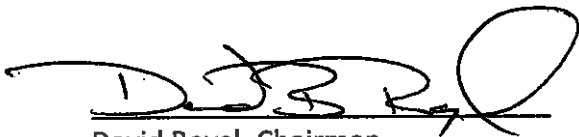
VII. Discuss advertising for new cycle.

Lambert explained they should have a good funding cycle the next term.  
**MOTION by Knight, second by Lambert to advertise for new cycle. Motion carried unanimously.**

VIII. Public Comment.

Chairman Royal asked for public comment. There was none. There was discussion on their next meeting date. Lambert then explained that special districts needed a website and how their budgets needed to be posted on the website. County Attorney Evers advised it could be posted on the County's website. Lambert advised they should probably direct Staff to look into preparing a website for the EDA. County Manager advised he would. After further discussion, they decided they would meet Tuesday, March 06, 2012, at 8:30 a.m.

**Meeting adjourned at 9:40 a.m.**

A handwritten signature in black ink, appearing to read 'D. Royal', with a large, stylized flourish at the end.

David Royal, Chairman